



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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08/385062 AFWC
21/B
JRM
3-27-95

Docket No.: 86-1198-06-A
Anticipated Classification of this Application
Class _____ Subclass _____
S.N.: 08/162,420
Prior application
Examiner: R.E. Ramirez
Art Unit: 2314

Box FWC
Commissioner of Patents and Trademarks
Washington, D.C. 20231

FILE WRAPPER CONTINUING APPLICATION (FWC) TRANSMITTAL

This is a request for a filing under the file wrapper continuing application procedure. 37 CFR 1.62
for a

- ☐ continuation
- ☐ divisional
- ☐ continuation-in-part (for oath or declaration see III below)
attached is an amendment for added subject matter
- X continuing application to permit consideration if an information disclosure
statement under 37 CFR 1.97.

PARTICULARS OF PRIOR APPLICATION

- A. Application Serial No. 08/162,420 filed December 3, 1993
- B. Title (as originally filed) Spa Control System, (and as last amended) Spa Control System.

B

- C. Name of applicant(s) (as originally filed and as last amended) and current correspondence address of applicant(s)

1. Full Name of Inventor <i>100</i>	Family Name <u>Tompkins</u>	First Given Name <u>Michael</u>	Second Given Name <u>E.</u>
Residence & Citizenship	City 3804 Hardwick Drive <u>Greensboro</u>	State or Foreign Country North Carolina <i>NC</i>	Country of Citizenship U.S.A.
Post Office Address	Post Office Address 3804 Hardwick Drive	City Greensboro	State & Zip Code/Country North Carolina 27406
2. Full Name of Inventor <i>200</i>	Family Name <u>Green</u>	First Given Name <u>Michael</u>	Second Given Name <u>J.</u>
Residence & Citizenship	City 7320 Bruce Street <u>Houston</u>	State or Foreign Country Texas <i>TX</i>	Country of Citizenship U.S.A.
Post Office Address	Post Office Address 7320 Bruce Street	City Houston	State & Zip Code/Country Texas 77055

☐ Continued on added page for inventor's Data

The above identified application, in which no payment of issue fee, abandonment of (other than where the above identified application was abandoned under 37 CFR 1.313(b)(5) to permit consideration of an information disclosure statement under 37 CFR 1.97), or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application. The above-identified application was abandoned under 37 C.F.R. 1.313(b)(5). See the enclosed Supplemental Information Disclosure.

It is understood that secrecy under 35 U.S.C. 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 CFR 1.62 application, be it either this application or a prior application in the same file wrapper, the PTO may provide similar information or access to all the other applications in the same file wrapper.

II. Inventorship statement

- (a) ☒ This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application are
- ☒ the same
- ☐ less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted:

(b) ☐ This application discloses and claims additional disclosure by amendment and a new declaration or oath is being filed. With respect to the prior application whose particulars are set out above the inventor(s) in this application are

☐ the same

☐ not the same, and an explanation, including the ownership of the various claims at the time the last claimed invention was made, is submitted.

(c) The inventorship for all the claims in this application is

X the same

☐ not the same, and an explanation, including the ownership of the various claims at the time the last claimed invention was made, is submitted.

III. Declaration or oath

A. Continuation or divisional

X none required

B. Continuation-In-part

☐ attached

executed by (check all applicable items)

☐ inventor(s)

☐ legal representative of inventor(s) 37 CFR 1.42 or 1.43

☐ joint inventor or person showing a proprietary interest for inventor who refused to sign or cannot be reached. 37 CFR 1.47;

☐ This is the petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 is also attached. (See item VIII below for fee.)

☐ not attached

☐ Application is made by a person authorized under 37 CFR 1.41(c) on behalf of all of the above named applicant(s). (The declaration or oath, along with the surcharge required by 37 CFR 1.16(e) can be filed subsequently.)

☐ Attached is a showing that the filing is authorized. (Not required unless called into question. 37 CFR 1.41(d).)

IV. Identification of Claims for Further Prosecution

- ☐ The fees to be charged are to be based on the number of claims remaining as a result of the:
- ☐ attached preliminary amendment.
 - ☐ the unentered amendment filed under 37 CFR 1.116 in the prior application, which is now repeated.
 - ☒ the claims as on file in the prior application.

V. Fee Calculation (37 CFR 1.16)

CLAIMS FOR FEE CALCULATION			
Number Filed	Number Extra	Rate	Basic Fee 37 CFR 1.16(a) \$730.00
Total Claims (37 CFR 1.16(c))			
12 - 20=		X \$ 22.00	\$ 0.00
Independent Claims (37 CFR 1.16(b))			
4 - 3=		X \$ 76.00	\$ 76.00
Multiple dependent claim(s), if any (37 CFR 1.16(d))		\$240.00	

- ☐ The fee for extra claims is not being paid at this time.

Filing fee calculation \$403.00

VI. Petition for Suspension of Prosecution for the Time Necessary to File an Amendment

(check the next item, if applicable)

- ☒ There is provided herewith a Petition to Suspend Prosecution For The Time Necessary to File An Amendment (New Application Filed Concurrently).

VII. Small Entity Statement

- ☐ A verified statement that this is a filing by a small entity is attached.
- X The small entity statement was filed in the parent application Serial No. 08/162,420 which parent application was filed on December 3, 1993 and this status is still proper and its benefit under 37 CFR 1.28(a) is hereby claimed.

Reduced filing fee calculation (50% of above) \$403.00.

VIII. Fee Payment Being Made at This Time

Not attached

- ☐ No filing fee is submitted.

Attached

- | | | |
|--------------------------|--|-----------|
| X | filing fee | \$ 403.00 |
| <input type="checkbox"/> | recording assignment (\$40.00; 37 CFR 1.21(h)). See item XIV below. | \$ _____ |
| <input type="checkbox"/> | petition fee for filing by other than all the inventors or person not the inventor where inventor refused to sign or cannot be reached (\$130.00; 37 CFR 1.47 and 1.17(h)) | \$ _____ |
| <input type="checkbox"/> | processing and retention fee (\$130.00; 37 CFR 1.53(d) and 1.21(l)) | \$ _____ |
| <input type="checkbox"/> | Preliminary Amendment Fee. Extension Fee If Necessary. Petition Fee. | \$ _____ |
| <input type="checkbox"/> | Any other necessary fees for filing. | \$ _____ |
| | Total fees enclosed | \$ _____ |

IX. Method of Payment of Fees

- X attached is check in the amount of \$ 403.00
- ☐ charge Account No. _____ in the amount of \$ _____
- ☐ A duplicate of this request is attached.

X. Authorization to Charge Additional Fees

- X The Commissioner is hereby authorized to charge the following additional fees which may be required by this paper and during the entire pendency of this application to Account No. 15-0697:
- X 37 CFR 1.16(a), (f) or (g) (filing fees)
- X 37 CFR 1.16(b), (c) and (d) (presentation of extra claims)

- ☒ 37 CFR 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- ☒ 37 CFR 1.17 (application processing fees)
- ☐ 37 CFR 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.311(b))

XI. Instructions as to Overpayment

- ☒ credit Account No. 15-0697
- ☐ refund

XII. Priority -- 35 U.S.C. 119

- ☐ Priority of application Serial No. 0 / _____ filed on _____ in _____ is claimed under 35 U.S.C. 119.
- ☐ The certified copy has been filed on _____ in prior U.S. application Serial No. 0 / _____, which prior application was filed on _____
- ☐ certified copy will follow

XIII. Relate Back -- 35 U.S.C. 120

- ☒ Amend the specification by inserting before the first line the sentence:

"This is a

- ☒ continuation
- ☐ divisional
- ☐ continuation-in-part

of copending application(s)

- ☒ serial number 08/162,420 filed on December 3, 1993* *now abandoned, which*
- ☐ International Application _____ filed on _____ and which designated the U.S."

XIV. Assignment

- ☒ the prior application is assigned of record to Siege Industries, Inc.
- ☐ an assignment of the invention to _____ is attached. A separate ☐ "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or ☐ FORM PTO 1906 is also attached.

XV. Power of Attorney

The power of attorney in the prior application is to

<u>David M. Ostfeld</u>		<u>27,827</u>
Attorney		Reg. No.
a.	<input checked="" type="checkbox"/>	The power appears in the original papers in the prior application.
b.	<input type="checkbox"/>	The power does not appear in the original papers, but it was filed on _____.
c.	<input type="checkbox"/>	A new power has been executed and is attached.
d.	<input checked="" type="checkbox"/>	Address all future communications to:
	<u>David M. Ostfeld</u>	<u>27,827</u>
	Name	Reg. No.
	<u>Chamberlain, Hrdlicka, White, Williams & Martin</u>	
	Address	
	<u>1200 Smith Street, Suite 1400</u>	
	<u>Houston, Texas 77002</u>	<u>(713) 658-2505</u>
		Telephone Number

(Item d may only be completed by applicant, or attorney or agent of record).

XVI. Maintenance of Copendency of Prior Application

(This item must be completed and the necessary papers filed in the prior application if the period set in the prior application has run)

- ☐ A petition, fee and response has been filed to extend the term in the pending prior application until _____.
- ☐ A copy of the petition for extension of time in the prior application is attached.

XVII. Conditional Petitions for Extension of Time in Prior Application

(complete this item and file conditional petition in prior application if previous item not applicable)

- ☐ A conditional petition for extension of time is being filed in the pending prior application
- ☐ A copy of the conditional petition for extension of time in the prior application is attached.

XVIII. Abandonment of Prior Application

- ☐ Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application copending with said prior application. At the same time please add the words "now abandoned" to the amendment to the specification set forth in XIII above.

XIX. INFORMATION DISCLOSURE STATEMENT

- X Submitted herewith is an Information Disclosure Statement because this application is filed specifically under 37 C.F.R. 1.313(b)(5) and 1.97 to permit consideration of an information disclosure statement.

Date 2/7/95

Chamberlain, Hrdlicka, White,
Williams & Martin
1200 Smith Street, Suite 1400
Houston, Texas 77002-4310
P.O. Address of signatory

Tel. No.: (713) 658-2505

Reg. No. 27,827
(if applicable)

David M. Ostfeld
Type or printed name of person signing

Signature _____

- ☐ Inventor
- ☐ Assignee of complete interest
- ☐ Person authorized to sign on behalf of assignee
- X Attorney or agent of record
- ☐ Filed under Rule 34(a)

(Complete the following if applicable)

Siege Industries, Inc.
Type name of assignee

1024 W. Loop North
Address of assignee

Houston, Texas 77055

Title of person authorized to sign
on behalf of assignee

Assignment recorded in PTO on May 27, 1987
Reel 4721 Frame 540

- ☐ Plus ADDED PAGE FOR INVENTOR'S DATA FOR FWC FILING
- ☐ Plus ASSIGNMENT (DOCUMENT) COVER LETTER ACCOMPANYING NEW
PATENT APPLICATION

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86-1198-00-A:02/07/95